

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DEC 30 2013

Clerk, U.S District Court
District Of Montana
Missoula

JASON CHRIST,

Plaintiff,

vs.

CITY OF MISSOULA POLICE
DEPARTMENT and DETECTIVE
STACY LEAR,

Defendants.

CV 13-75-M-DWM

ORDER

This matter comes before the Court on Findings and Recommendations of United States Magistrate Judge Jeremiah C. Lynch. (Doc. 37.) Plaintiff Jason Christ filed the Complaint giving rise to this action, asserting claims under 42 U.S.C. § 1983. (*See* Doc. 1.) Christ now moves to dismiss with prejudice the remaining Defendants in this matter. (Doc. 34.) The City of Missoula Police Department and Detective Lear stated they have no objection to Christ's Motion. (Doc. 36.) United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations regarding the Motion. (Doc. 37.) Pursuant to 28 U.S.C. § 636(b), objections to the Findings and Recommendations entered by Judge Lynch may be filed until January 13, 2014. There is no cognizable objection to

the Findings and Recommendation now before the Court because all parties now consent to dismissal with prejudice of the claims at issue.

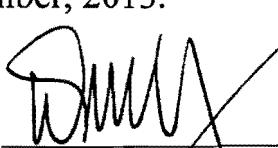
The Court reviews the findings and recommendation of a United States Magistrate Judge for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error is present only if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

After a review of Judge Lynch’s Findings and Recommendation, I find no clear error. All parties have stipulated to dismissal with prejudice.

IT IS ORDERED that Judge Lynch’s Findings and Recommendations, (Doc. 37), are ADOPTED IN FULL. Christ’s Motion to Dismiss with Prejudice, (Doc. 34), is GRANTED. Christ’s claims against the City of Missoula Police Department and Detective Stacy Lear are hereby DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that, all claims brought in the Complaint having been dismissed, the Clerk of Court shall close this case.

DATED this 30th day of December, 2013.


Donald W. Molloy, District Judge
United States District Court